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AMERICAN SECURITY INSURANCE
COMPANY

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

**MICHELLE T. WAHL, on behalf of
herself and all others similarly situated,**

Plaintiff,

v.

**AMERICAN SECURITY INSURANCE
COMPANY; and DOES 1-50, inclusive,**

Defendants.

Case No. C:08-0555-RS

CLASS ACTION

**STIPULATION AND [PROPOSED]
ORDER VACATING CASE
MANAGEMENT SCHEDULING
ORDER ENTERED ON MARCH 4,
2011 AND SETTING SCHEDULE
FOR MOTION FOR PRELIMINARY
APPROVAL OF SETTLEMENT**

The parties, by their undersigned counsel, hereby submit the following stipulation and [proposed] order for entry by this Court pursuant to Local Rule 7-12:

1. On March 4, 2011, the Court approved a four (4) week extension of all pre-trial deadlines based on the parties' stipulation seeking that extension to give them time to attend a settlement mediation on March 24, 2011. This mediation session was conducted by Judge Ronald M. Sabraw (retired) to whom Judge Infante referred the parties since his schedule is booked until the end of May, 2011. *See* Stipulation and Order Amending the Case Management Scheduling Order Entered on January 27, 2011, entered on March 4, 2011 (Document 169).

2. The parties agreed to a class-wide settlement of this action at the March 24, 2011 mediation. The parties have begun the process of memorializing this class-wide settlement in a written settlement agreement together with various exhibits thereto, and of drafting the proposed notice to the settlement class and a Joint Motion for Preliminary Approval of the Settlement and Directing Settlement Notice to the Class.

3. The parties have agreed that the settlement papers will be completed within 45 days of the March 24, 2011 mediation, and will be ready to submit to the Court for preliminary approval at that time. Further, the parties believe that the Plaintiff's motion for preliminary approval should be heard on a shortened schedule, because Defendant will respond very shortly after the motion is filed confirming it does not oppose preliminary approval of the proposed settlement. Accordingly, the parties stipulate and hereby request that the Court enter the following schedule:

- a. Plaintiff's Motion for Preliminary Approval of the Settlement and Directing Settlement Notice to the Class to be filed no later than May 12, 2011;
- b. Defendant's Response to be filed no later than May 19, 2011 and
- c. Hearing on Joint Motion for Preliminary Approval of the Settlement and Directing Settlement Notice to the Class to be held on June 2, 2011, at 9:00 a.m.

4. The parties also request that the Court vacate all existing pre-trial deadlines established in the Stipulation and Order Amending the Case Management Scheduling Order Entered on January 27, 2011, entered on March 4, 2011 (Document 169). The parties believe that vacating these pre-trial deadlines is appropriate here since they have entered a proposed class-wide settlement

that will be submitted to this Court for preliminary approval by June 2, 2011 and the preliminary approval motion will ask that the Court set a Final Approval Hearing approximately 100 days thereafter. Proceeding with pre-trial activities while approval of a proposed class-wide settlement is pending would not be efficient for the Court or the parties, and certainly will not facilitate the resolution of this action.

The Parties respectfully request that the Court enter this Stipulation.

Dated: March 30, 2011

AGREED TO BY:

**STEMBER FEINSTEIN DOYLE
& PAYNE, LLC**

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ATTORNEYS FOR PLAINTIFF

PURSUANT TO STIPULATION, IT IS SO ORDERED:

Dated: 3/30, 2011

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